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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,151	06/20/2001	Andrew Rouse	23452-133	5196
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MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC 12010 SUNSET HILLS ROAD SUITE 900 RESTON, VA 20190				
			EXAMINER ELAHEE, MD S	
			ART UNIT 2645	PAPER NUMBER 10

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/885,151

Applicant(s)

ROUSE ET AL.

Examiner

Md S Elahee

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2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>09</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to an amendment filed on 03/22/04. Claims 1-62 are pending.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-32 have been fully considered but are moot in view of the new ground(s) of rejection which is deemed appropriate to address all of the needs at this time.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-37, 40-47, 50-54 and 56-62 are rejected under 35 U.S.C. 102(e) as being anticipated by Wagner et al. (U.S. Patent No. 6,169,911).

Regarding claims 1 and 25, Wagner teaches selecting at least one menu option (i.e., form option) for execution on the portable telephone (i.e., wireless client device) (fig.3A, 3B, 4; col.4, lines 34-39, 52-60).

Wagner further teaches using the menu function (i.e., form application) to access (i.e., communicate) information (i.e., transmissible media content) via a wireless medium

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based on the at least one form option (abstract; fig.3A, 3B, 4; col.4, lines 34-39, 52-67, col.5, lines 1-7).

Regarding claims 2, 10, 18, 26, 42 and 52, Wagner teaches selecting send button (i.e., at least one of a brief form option, a full form option, a create form option, a modify form option, a delete form option, a forward form option, a fax form option, and a send form option) (col.5, lines 41-47).

Regarding claims 3, 11, 19 and 27, Wagner teaches communicating via at least one of a wireless connection (i.e., Bluetooth protocol, a Wireless Application protocol, a Global System Mobile protocol, and a Wireless Markup Language protocol) (col.3, lines 8-12).

Regarding claims 4, 12, 20 and 28, Wagner teaches displaying (i.e., presenting) the transmissible media content to a user according to at least one displaying option (col.4, lines 52-67, col.5, lines 1-7).

Regarding claims 5, 13, 21 and 29, Wagner teaches that the presentation options comprises at least one of facsimile form, memorandum form, invitation form, and user profile form (col.4, lines 52-67, col.5, lines 1-7).

Regarding claims 6, 14, 22 and 30, Wagner teaches that the transmissible media content comprises at least one of user data, address data, memo data, and search data (fig.5; col.6, lines 36-45).

Regarding claims 7, 15, 23 and 31, Wagner teaches communicating the transmissible media content from a remote computer (i.e., data source) remote from the wireless client device (col.3, lines 57-60, col.4, lines 26-39, col.7, lines 60-64).

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Regarding claims 8, 16, 24 and 32, Wagner teaches that the form application comprises at least one stocks (i.e., form) and at least one related Indigo Arts (i.e., subform) (col.7, lines 3-7, 64-6).

Regarding claims 9 and 17, Wagner teaches a graphical user interface GUI (i.e., input interface) that accepts at least one form option for execution on the portable telephone (i.e., wireless client device) (fig.1, 3A, 3B; col.4, lines 26-39, 52-67, col.5, lines 1-7).

Wagner further teaches a processor unit, communicating with the input interface, that communicates transmissible media content via a wireless medium based on the at least one form option (fig.1, 2, 3A, 3B; col.3, lines 23-25, 53-60, col.4, lines 26-39, 52-67, col.5, lines 1-7).

Regarding claims 33 and 43, Wagner teaches that the selecting at least one form option has at least two predetermined fields (fig.3A; col.4, line 60-col.5, line 9, lines 27-30). (Note: the button 6 and display 4 are two predetermined fields)

Regarding claims 34 and 44, Wagner teaches that one or more of the at least two predetermined fields is automatically pre-filled (fig.3A; col.4, line 60-col.5, line 9, lines 27-30).

Regarding claims 35 and 45, Wagner teaches that the at least one form option is selected by a user from a plurality of different form options each including a plurality of predetermined fields (fig.3A; col.4, line 52-col.5, line 9, lines 27-30).

Regarding claims 36 and 46 are rejected for the same reasons as discussed above with respect to claim 35. Furthermore, Wagner teaches that each of the plurality of

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different form options is associated with at least one communication type (fig.3A; col.4, line 52-col.5, line 9).

Regarding claims 37 and 47, Wagner teaches that the at least one form option is selected by selecting one communication type from a plurality of different communication types (fig.3A; col.4, line 52-col.5, line 9).

Regarding claims 40, 50 and 58, Wagner teaches that the selected at least one form option is a custom made form option created by a user (fig.6; col.7, line 3-8).

Regarding claims 41 and 51, Wagner teaches creating a custom action associated with the selected at least one form option (fig.6; col.7, line 3-8).

Regarding claim 53, Wagner teaches at least one category (i.e., forms module) that enables a user to customize a form (i.e., create and edit a document) based on content added to a form option, wherein the chat number and chat name is selected by the user from a plurality of menu options (i.e., form options) on the portable telephone (i.e., wireless client device) (fig.3A, 3B, 4, 6; col.4, lines 34-39, 52-60, col.7, line 3-20).

Wagner further teaches at least one processor (i.e., communication module) that communicates the form from the wireless client device to a sender (i.e., one or more receiving terminals) (col.3, lines 23-25, 53-60, col.4, lines 34-39, 52-60, col.7, line 3-20).

Regarding claim 54, Wagner teaches that one or more receiving terminals includes a sender terminal (i.e., at least one of a facsimile, a computer terminal, and a wireless device terminal) (col.7, line 3-20).

Regarding claims 56 and 57, Wagner teaches that the at least one forms module includes pre-stored form options and enables the user to create custom form options (col.7, line 3-20, col.8, lines 39-45).

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Regarding claim 59, Wagner teaches that the at least one forms module enables the user to specify a user defined distribution list (i.e., form type) and a plurality of form properties of a custom form option created by the user (col.7, line 3-20, col.8, lines 39-45).

Regarding claim 60 is rejected for the same reasons as discussed above with respect to claim 33. Furthermore, Wagner teaches that the display 4 (i.e., first predetermined field) includes content and the button 6 (i.e., second predetermined field) includes a selection option (i.e., action property), and wherein the selection option facilitates communication of the content of the display 4 to the one or more receiving terminals (fig.3A; col.4, line 60-col.5, line 9, lines 21-30).

Regarding claim 61, Wagner teaches that the selection option includes Go option (i.e., one of a Mail TO property and a Dial Phone property) (col.5, lines 21-30).

Regarding claim 62, Wagner teaches that the functionality option is inherently pre-stored in the display 4 (fig.3A; col.4, line 60-col.5, line 9, lines 21-30).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 38, 39, 48, 49 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner et al. (U.S. Patent No. 6,169,911) and in view of Fascenda (U.S. Patent No. 6,560,604).

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Regarding claims 38, 48 and 55 are rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Wagner fails to teach "selecting a type of receiving terminal from a plurality of different types of receiving terminals". Fascenda teaches selecting a type of receiving terminal from a plurality of different types of receiving terminals (abstract; fig.1A, 1B; col.5, lines 16-21, 44-46). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wagner to incorporate a feature of selecting a type of receiving terminal from a plurality of different types of receiving terminals as taught by Fascenda. The motivation for the modification is to have doing so in order to provide communication between different types of terminals.

Regarding claim 39 is rejected for the same reasons as discussed above with respect to claim 54.

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Buchholz et al. (U.S. Patent No. 6,088,340) teach Method and apparatus in a wireless communication system for controlling a display of template data by a portable subscriber unit and Duke, Jr. et al. (U.S. Patent No. 6,292,473) teach Mobile communications terminal for satellite communications system.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alam Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the



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organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

M.E .

MD SHAFIUL ALAM ELAHEE  
May 30, 2004

Allan Hoosain  
ALLAN HOOSAIN  
PRIMARY EXAMINER for  
Fan Tsang